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*The Principles of Anthropology and Sociology in their Relation to Criminal Procedure.* By MAURICE PARMELEE. (New York: The Macmillan Company, 1908. Pp. viii, 410. \$1.25 net).

English and American criminal procedure has been based largely on a purely legal theory of crime. Mr. Parmelee has, in the present volume, undertaken the useful task of making available for practical penology some of the results of Continental achievement in the field of anthropology and scientific criminology. It has been on the Continent that most of the progress in criminological theory has been made. After a sketch of the earlier phases of penological theory, including a careful analysis of Beccaria's contributions, the author proceeds to give an outline of the ideas of the three great Italian criminologists of the modern period, Lombroso, Garofalo and Ferri. This is not only a necessary preparation for the later argument of the book but it is a useful task in itself.

Mr. Parmelee considers that the essence of the new penology lies in the individualization of punishment. This involves a shifting of the whole point of view with reference to the relation of society to the criminal. "Moral responsibility should be abolished as a fundamental criterion of criminality, and should be replaced by the dangerousness of the criminal to society. The responsibility and intention of the criminal will then become indications of his character. But so long as the hypothesis of moral liberty remains at the base of penal law it will be deductive in character" (p. 212). Granting this view, little argument is required to establish the logic of the indeterminate sentence and the probation system. Certainly even a limited acceptance of the principles of the positive school of criminology makes the validity of these systems apparent.

The later chapters deal with the practical problems of criminal procedure, such as criminal law, the police agency, court procedure, evidence, the jury and the judiciary. For purposes of the preliminary examination Parmelee finds points of advantage in the French plan of a single examiner, the *juge d'instruction*, yet for fairness he concedes that the English system is superior, since the professional examiner is likely to have a bias against any belief in the innocence of the accused. In the actual trial the present

lay jury should be abolished and its functions should fall to the judge, aided by properly trained assessors. Judges, however, should be specially educated for their work not alone by being trained in the principles of the law, but also and particularly in criminology. Judges thus trained would in addition to their technical duties, Mr. Parmelee thinks, be able to collect valuable anthropological and sociological materials.

In his suggestions for the reform of criminal procedure Mr. Parmelee has put his finger on most of the weak points of the present system. He has perhaps passed over with too slight emphasis two of its most conspicuous shortcomings, the abuse of appeals and the exaggerated part played by the lawyer in criminal trials in America. He does, indeed, deplore the fact that criminal trials at present are likely to be mere "forensic duels." If procedure were purged of these abuses much of the force would be taken from the charge that the present plan of jury trial is a failure.

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*Individualism and After.* The Herbert Spencer Lecture Delivered in the Sheldonian Theater on the 29th May, 1908. By BENJAMIN KIDD. (Oxford: The Clarendon Press, 1908. Pp. 36. 1s.).

In his Herbert Spencer lecture, delivered last May before the University of Oxford, Mr. Kidd pronounces, as it were, the funeral oration over individualism. This has, of course, often been done before, but no one has done it better than Mr. Kidd. He sums up in a brief but cogent way his reasons for believing that the individualism of Spencer and his school of social thinkers is passing, and that we are now living in an age of transition. In the world of theory he finds everywhere that more organic views of social life are displacing the earlier individualistic view. In the world of action similarly he finds everywhere an extension of the functions of the state and a demand for government regulation. If the age through which we are passing may be said to be one of the Americanization of the world, it is probable that the next